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CORPORATION OF THE GRAND ARMY OF THE REPUBLIC

HEARING

BEFORE THE

18. Congress May 12
COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

FIRST SESSION

ON

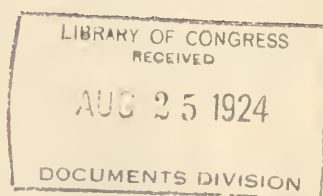
H. R. 5522

A BILL FOR THE INCORPORATION OF THE
GRAND ARMY OF THE REPUBLIC



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GRAND ARMY OF THE REPUBLIC.

COMMITTEE OF THE DISTRICT OF COLUMBIA.

HOUSE OF REPRESENTATIVES,

Wednesday, July 20, 1921.

The committee met at 10 o'clock a. m., Hon. Benjamin K. Focht (chairman) presiding.

The committee had under consideration the following bill:

A BILL For the incorporation of the Grand Army of the Republic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the organization known as the Grand Army of the Republic, with a membership limited to persons who served as soldiers and sailors of the United States Army and Navy or Marine Corps and Revenue-Cutter Service between April 12, 1861, and April 9, 1865, in the war for the suppression of the rebellion, and of such State regiments as were called into active service and subject to the orders of the United States general officers between the dates mentioned, and have been honorably discharged therefrom after such service, is hereby created a body corporate and politic of the District of Columbia, by the name of "The Grand Army of the Republic," by which name it shall be a person in law, capable of suing and being sued, and of having and exercising all incidental powers as a litigant or otherwise as if it were a natural person, with power to acquire by purchase, gift, devise, or bequest, and to hold, convey, or otherwise dispose of property, real or personal, as may be necessary or calculated to carry into effect the patriotic, fraternal, and charitable purposes of its organization, as such purposes are avowed and declared in its rules and regulations.

SEC. 2. That the supreme governing and controlling authority in said organization shall be the national encampment thereof, composed of representatives from the several department encampments as are now or may hereafter be organized: *Provided*, That there shall never be any change in the plan of organization of said national encampment that shall materially change its present representative form of government or render possible the concentration of the control thereof in the hands of a United number, or in a self-perpetuating body not representative of the membership at large.

SEC. 3. That the qualifications for membership in said organization, except as they are limited by the provisions of section 1 of this act, and the rights and privileges of the members thereof, shall be such as are fixed by the ordinances, rules, and regulations adopted by said national encampment, and the meetings of said organization, whether for the transaction of business or otherwise, may be held at any place in the United States.

SEC. 4. That the activities of said corporation shall be exercised through and by the following agencies, in accordance with the laws, rules, and regulations now in force, or such as may be hereafter enacted by the national encampment thereof, namely:

First. Through the national encampment, its officers and committees.

Second. Through such department encampments as may have been heretofore, or as may hereafter, organized, their officers and committees.

Third. Through such posts as may have been heretofore, or may be hereafter, organized, their officers and committees.

Such department encampments shall be subject and subordinate in authority to the national encampment, and such posts shall be also subject to such control, exercised through the department encampment and department officers of the particular department to which it belongs.

SEC. 5. That the corporate existence of the Grand Army of the Republic, and the exclusive rights of its surviving members to wear the insignia of membership therein, shall terminate only when the last of its members dies: *Provided, however,* That if at any national encampment hereafter held a memorial shall be adopted by the vote of three-fourths of the members present, reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it is no longer advisable and practicable to hold future national annual encampments, such action shall not operate to deprive said organization of any of its corporate powers, but the government thereof may be modified to provide for such contingency, subject to the restrictions contained in section 2 of this act: *Provided,* That nothing in this act shall in any manner affect the right or the power of such posts or departments to dispose of, or otherwise affect the ownership of, property held by any post or department in its own name, nor affect the right of such posts or departments to organize corporations under State laws for the purpose of caring for and disposing of such property.

SEC. 6. That the national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolution shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

STATEMENT OF HON. WILLIAM R. WOOD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA.

The CHAIRMAN. Mr. Wood, do you wish to say something in reference to the bill H. R. 5522?

Mr. WOOD. Yes, Mr. Chairman, I desire to call the attention of the committee to this bill, not only because I feel an interest in the matter but I do so at the request of Mr. Moores, who introduced it. I want to say further that the bill was drawn at the suggestion of the Grand Army of the Republic by Gen. Ketcham, who is the grand commander of the Grand Army of the Republic, located at Indianapolis.

If you will examine the bill you will see that it is in the usual form of bills creating corporations, prescribing and limiting the powers of the corporation, and providing for the conduct of the affairs of the organization. The Grand Army of the Republic is an association that never has been incorporated. It is a voluntary association, and it exists in most of the States, and, I think, in all of them, without any incorporation whatever. I do not know that it has ever heretofore made any attempt to be incorporated, but there is a great necessity for it just now for this reason: All of you know that the members of the Grand Army of the Republic are rapidly passing away, and I notice from the report of the adjutant, submitted at Indianapolis a few days ago, that 10,000 of them died last year and that the total number now remaining is about 93,000. There are about 93,000 surviving, and, as I said, they are passing away at a rapid rate. There are Grand Army posts in every State of the Union, and they have some considerable property, amounting to \$2,000,000 or \$3,000,000. Therefore, at some time or other, it will be necessary for some one to take over this property and make some disposition of it. A part of the property consists of real estate.

There is another great necessity for this incorporation, and that is in order that they may receive bequests. There have been two or

three bequests made to the Grand Army of the Republic, as I am informed, by philanthropic persons, mostly by old soldiers, knowing the necessity and the difficulty that they must have in raising money. In this connection, I wish to say, they have been subjected not only to annoyance but, in some cases, they have absolutely been defeated in the matter of obtaining bequests, because there was no corporation with the authority to receive them. There is an instance of that sort now in New York State, where a bequest was made by some gentleman to the Grand Army of the Republic amounting to some \$2,000, and where the representatives of the estate have refused to pay over the bequest until there is some incorporated legal body organized by law and authorized by law to receive it. Therefore, there is a great necessity for this action.

It just occurred to me while listening to the gentleman who was speaking to you with reference to making Lincoln's birthday anniversary a holiday in the District of Columbia that if there is anything that ought to go hand in hand with the name of Lincoln it is the Grand Army of the Republic. This organization was first formed in 1865. No one knows exactly who did it or how it was done, but it seems to have been a sort of spontaneous growth, beginning in Illinois in 1865, and it grew rapidly until it had expanded all over the United States, or wherever there were even a few soldiers gathered together. A number of those posts are in Southern States.

I feel, Mr. Chairman, that this bill should be reported as it is drawn, but I will state, in all fairness to the committee, and I want to be perfectly frank with you, that this same bill, or practically the same bill, if not word for word, because there may have been some slight modifications, was introduced and referred to the Judiciary Committee. That committee made amendments to the bill that made it absolutely unacceptable to the Grand Army of the Republic, and they would not have it, as I am informed by a letter from Gen. Ketcham. Now, it occurs to me that this body should not be subjected to the exactions imposed by the amendments that were suggested before the Judiciary Committee. For instance, that committee would require by one amendment that they should file with the secretary of state in each one of the States the name and post-office address of some one on whom service might be had in case of suit brought in such State. Of course, as you can readily see, that might result in great abuse and annoyance. If it is incorporated under an act of Congress its locus will be in the city of Washington, where service can be had upon it and where the interests of the citizens as well as of the corporation can be fully protected.

Mr. Woods. There is no incorporation now?

Mr. Wood. No.

Mr. Woods. There has been no incorporation of the soldiers of the Civil War?

Mr. Wood: The Grand Army of the Republic has never been incorporated.

Mr. Woods. It is purely a voluntary association?

Mr. Wood. It is a voluntary association without incorporation.

Mr. UNDERHILL. They did not wish to accept the amendments which the Judiciary Committee put on the bill?

Mr. Wood. No.

Mr. UNDERHILL. This would not be establishing any precedent?

Mr. WOOD. No.

Mr. BLANTON. What particular benefit would be conferred upon the Grand Army of the Republic by incorporating it now, after all of these years?

Mr. WOOD. I have just stated that.

Mr. BLANTON. I mean what particular benefit?

Mr. WOOD. One particular benefit would be that they could receive this bequest of \$2,000 made by a gentleman in New York. The executors have refused to pay over the bequest because there is nobody legally entitled to receive it.

Mr. BLANTON. Is that the only particular benefit they will derive from it—that is, to be able to receive a donation of \$2,000?

Mr. WOOD. No; that is not the only purpose of it. That is one of the purposes. As I have said, another purpose, and it is a far greater purpose, is the fact that the business of this organization must be wound up when its members have passed away. I presume that the Grand Army of the Republic, at the outside, can not continue for more than 10 years. They have about \$2,000,000 worth of property in this country, scattered here, there, and yonder, and somebody should be in a position to take care of this property in an orderly, judicial way.

Mr. BLANTON. I see no objection to incorporating them.

Mr. WOODS. It would be a purely charitable corporation?

Mr. WOOD. Yes.

Mr. WOODS. The bill provides against perpetuation?

Mr. WOOD. Yes. I can not see any objection to it. The bill is in the ordinary form, and it was drawn with great care. It has had the supervision of Mr. Moores, one of the best lawyers in Congress. The bill was prepared by Gen. Ketcham himself.

STATEMENT OF HON. HENRY Z. OSBORNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. OSBORNE. Mr. Chairman and gentlemen, I would say that the Grand Army of the Republic is a unique organization in this respect, that no one can be a member who did not serve for a certain length of time in the Union Army during the Civil War between certain dates. In a very few years, the time will come when there will be none left. They are passing away very rapidly, and while they used to have about half a million members, they have now only about one hundred thousand.

The CHAIRMAN. I think it was stated there are 93,000 now.

Mr. OSBORNE. Yes, sir. They are passing away at the rate of about 100 per day. Being a unique organization in the way I have mentioned, it must pass out of existence when the last Grand Army man dies. Now, when the Grand Army of the Republic has passed out of existence, it will be important that there should be some legal method of disposing of the very considerable amount of property it has in different parts of the country, consisting of halls and memorials of various kinds.

Mr. WOODS. Is that property held by trustees or by the local posts?

Mr. OSBORNE. It is held by the local posts, by common consent, without any national incorporation.

Now, there is another thing: Recently there has been a bequest made to the Grand Army of the Republic of \$2,000, as Mr. Wood has stated, by a former officer of the organization who has passed away. As Mr. Wood has stated, the representatives of the estate will not turn that bequest over to the organization, because there is no legal entity to which they can turn it over. That, in itself, would not be so serious, but it is altogether likely, as these men are getting far along in years, that there will be other bequests, and probably there will be a great many of them. If the organization can secure incorporation, then there will be a legal method by which to handle this property and by which it can be put to the use for which it was intended.

Mr. Wood has spoken about the bill having been referred to the Judiciary Committee. That committee hedged it about with so many amendments that it is not acceptable to the Grand Army of the Republic, and they would much rather have no corporation at all than to have it tied up in the way that the Judiciary Committee endeavored to tie it up.

We hope that you gentlemen will see fit to incorporate this body.

There is present this morning Maj. Gen. John L. Clem, who began his service in the Civil War at 10 years of age. He served throughout the Civil War with distinction and afterwards was appointed by President Grant a lieutenant, passed through the various grades in the United States Army, and was finally retired in recent years as a major general. He is a very highly esteemed member of the Grand Army of the Republic and has held the second highest position in the organization. I would like to have him address the committee.

Mr. WOOD. I think all of you will be interested in hearing Gen. Clem. He is the youngest surviving general of the Civil War and is better known as the "Drummer Boy of Shiloh." [Applause.]

STATEMENT OF GEN. JOHN L. CLEM.

Gen. CLEM. Mr. Chairman and gentlemen, I am not a public speaker, and the gentlemen who have preceded me have said everything that ought to be said. We are passing away very rapidly. We lost seven members of our Loyal Legion last month here in the District of Columbia. We lost that many members of our Loyal Legion, of which I have the honor to be commander. We are going at that rate all the time, and all of them will soon be gone. We want to be incorporated for the reasons that have just been stated. I will not detain you any longer, because I know you will vote for this.

Mr. MILLSPAUGH. Mr. Chairman, in view of the fact that there does not seem to be any opposition to this bill, and as there is a great deal of work before us, I move that the bill be reported out with a recommendation that it do pass.

Mr. WALTERS. Would this bill interfere in any way in a case like this: The Grand Army post in my home city has effected an organization which includes the membership of the Sons of Veterans, and they have placed their real estate and personal property in trust with this body, which is self-perpetuating. That is done for exclusively local purposes. Now, is there anything at all in this bill that would authorize this proposed organization going in there and taking that property over?

Mr. Wood. There could not be anything in this bill that could affect in any way any vested property rights.

The CHAIRMAN. It has been moved and seconded that the bill, H. R. 5521, be favorably reported.

(The question being put by the chairman, the motion to report the bill favorably was adopted by the committee.)

(Thereupon, the committee proceeded to the consideration of other business.)

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